

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ILLUMINA, INC. and
ILLUMINA CAMBRIDGE LTD.,

Plaintiffs,

v.

BGI GENOMICS CO., LTD.,
BGI AMERICAS CORP.,
MGI TECH CO., LTD.,
MGI AMERICAS, INC., and
COMPLETE GENOMICS INC.,

Defendants.

COMPLETE GENOMICS INC.,

Counterclaim-Plaintiff,

v.

ILLUMINA, INC. and ILLUMINA
CAMBRIDGE LTD.,

Counterclaim-Defendants.

Case No. 3:19-cv-03770-WHO (TSH)
Case No. 3:20-cv-01465-WHO (TSH)

VERDICT FORM

VERDICT FORM

**CASE NO. 3:19-CV-03770-WHO
CASE NO. 3:20-CV-01465-WHO**

1 When answering the following questions and filling out this Verdict Form, please follow the
2 directions provided throughout the form. Your answer to each question must be unanimous. Some of
3 the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please
4 refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears
5 in the questions below.

6 As used herein:

- 7 1. "Plaintiff" or "Illumina" refers to Illumina, Inc. and Illumina Cambridge Ltd.
- 8 2. "Defendant" or "Defendants" refers to BGI Genomics Co. Ltd., BGI Americas Corp.,
9 MGI Tech Co., Ltd., MGI Americas, Inc., and Complete Genomics, Inc.

10
11 We, the jury, unanimously agree to the answers to the following questions and return them under
12 the instructions of this court as our verdict in this case.

FINDINGS ON INFRINGEMENT

(Instruction Pages 17–19)

The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.

A. U.S. Patent No. 7,541,444 (the “’444 Patent”)

1. **Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’444 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

Yes (Illumina) No (Defendants)

a. Claim 3 _____

2. **Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’444 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

Yes (Illumina) No (Defendants)

a. Claim 3 _____

B. U.S. Patent No. 7,771,973 (the “’973 Patent”)

3. **Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’973 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

	Yes (Illumina)	No (Defendants)
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a. Claim 13

_____	_____
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4. **Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’973 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

	Yes (Illumina)	No (Defendants)
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a. Claim 13

_____	_____
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C. U.S. Patent No. 7,566,537 (the “’537 Patent”)

5. **Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’537 Patent?**

For each asserted claim, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
a.	Claim 1	_____	_____
b.	Claim 4	_____	_____
c.	Claim 6	_____	_____

6. **Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’537 Patent?**

For each asserted claim, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
a.	Claim 1	_____	_____
b.	Claim 4	_____	_____
c.	Claim 6	_____	_____

D. U.S. Patent No. 9,410,200 (the “’200 Patent”)

7. **Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’200 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

	Yes (Illumina)	No (Defendants)
a. Claim 11	_____	_____
b. Claim 19	_____	_____

8. **Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’200 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

	Yes (Illumina)	No (Defendants)
a. Claim 11	_____	_____
b. Claim 19	_____	_____

E. U.S. Patent No. 10,480,025 (the “’025 Patent”)

9. **Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the ’025 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
a.	Claim 1	_____	_____
b.	Claim 9	_____	_____
c.	Claim 27	_____	_____
d.	Claim 31	_____	_____
e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

10. **Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the ’025 Patent?**

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
a.	Claim 1	_____	_____
b.	Claim 9	_____	_____
c.	Claim 27	_____	_____
d.	Claim 31	_____	_____

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		Yes (Illumina)	No (Defendants)
e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

FINDINGS ON INVALIDITY

(Instruction Pages 21–28)

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

A. The '444 Patent

11. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '444 Patent are invalid as obvious?**

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 3

B. The '973 Patent

12. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid as obvious?**

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 13

13. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid for failure to satisfy the written description requirement?**

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 13

14. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid for failure to satisfy the enablement requirement?**

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 13

C. The '537 Patent

15. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid as obvious?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 1

b. Claim 4

c. Claim 6

16. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid for failure to satisfy the written description requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 1

b. Claim 4

c. Claim 6

17. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '537 Patent are invalid for failure to satisfy the enablement requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants)

No (Illumina)

a. Claim 1

b. Claim 4

c. Claim 6

D. The '200 Patent

18. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid as obvious?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
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a.	Claim 11	_____	_____
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b.	Claim 19	_____	_____
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19. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid for failure to satisfy the written description requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
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a.	Claim 11	_____	_____
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b.	Claim 19	_____	_____
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20. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid for failure to satisfy the enablement requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
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a.	Claim 11	_____	_____
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b.	Claim 19	_____	_____
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E. The '025 Patent

21. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid as obvious?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

	Yes (Defendants)	No (Illumina)
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a.	Claim 1	_____	_____
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		Yes (Defendants)	No (Illumina)
b.	Claim 9	<hr/>	<hr/>
c.	Claim 27	<hr/>	<hr/>
d.	Claim 31	<hr/>	<hr/>
e.	Claim 33	<hr/>	<hr/>
f.	Claim 34	<hr/>	<hr/>
g.	Claim 42	<hr/>	<hr/>
h.	Claim 47	<hr/>	<hr/>
i.	Claim 50	<hr/>	<hr/>

22. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid for failure to satisfy the written description requirement?**
For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

		Yes (Defendants)	No (Illumina)
a.	Claim 1	<hr/>	<hr/>
b.	Claim 9	<hr/>	<hr/>
c.	Claim 27	<hr/>	<hr/>
d.	Claim 31	<hr/>	<hr/>
e.	Claim 33	<hr/>	<hr/>
f.	Claim 34	<hr/>	<hr/>
g.	Claim 42	<hr/>	<hr/>
h.	Claim 47	<hr/>	<hr/>
i.	Claim 50	<hr/>	<hr/>

23. **Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid for failure to satisfy the enablement requirement?**

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

		Yes (Defendants)	No (Illumina)
a.	Claim 1	_____	_____
b.	Claim 9	_____	_____
c.	Claim 27	_____	_____
d.	Claim 31	_____	_____
e.	Claim 33	_____	_____
f.	Claim 34	_____	_____
g.	Claim 42	_____	_____
h.	Claim 47	_____	_____
i.	Claim 50	_____	_____

FINDINGS ON DAMAGES

Directions: If you answered “No” as to invalidity for at least one of the asserted claims, please answer questions 29 and 30 below. Otherwise, skip to the last page and sign the verdict form.

Damages (Instruction Pages 20, 29–36)

24. **What sum of money, if any, would fairly and reasonably compensate Illumina for Defendants’ infringement from early 2014 through June 2020?**

Answer in dollars.

\$ _____

Willful Infringement (Instruction Page 20)

25. **Has Illumina proven that it is more likely than not that Defendants’ infringement was willful?**

“Yes” is a finding that Defendants have willfully infringed. “No” is a finding that Defendants has not willfully infringed.

Yes _____ No _____

1 You have now reached the end of the verdict form and should review it to ensure it accurately reflects
2 your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the
3 spaces below and notify the Courtroom Deputy that you have reached a verdict. The Presiding Juror
4 should retain possession of the verdict form and bring it when the jury is brought back into the
5 courtroom.

6 Date: _____

7 By: _____

8 Presiding Juror